

Appl. No. 10/538,165
Amdt. Dated October 3, 2008
Reply to Office Action of April 8, 2008

Attorney Docket No. 81887.0124
Customer No.: 26021

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 2, 3A, 3B, and 4.

Attachment: 3 Replacement Sheets
3 Annotated Sheets Showing Changes

REMARKS/ARGUMENTS:

Minor changes are made to this specification and drawings. Claims 3, 4, 7, and 8 are amended. Claims 1-10 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The invention relates to a wireless communication terminal and a control method in connection with a hybrid-type wireless communication terminal which performs communication with switching between two communication systems. (Applicant's specification, at p. 1, lines 6-10).

DRAWINGS:

The Office states, "Figures 2, 3A, 3B, 3C, and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated." In response, Applicant amended Figures 2, 3A, 3B, and 4 to include the legend --Prior Art--. Applicant respectfully submits that Figure 3C is not prior art because Figure 3C is an example of a case in which a guard time is not set. Withdrawal of this objection is thus respectfully requested.

SPECIFICATION:

The disclosure stands objected to because of the following informalities: the term "under" or "with" (page 2, line 14) should be deleted. In response, Applicant deleted the term "with." Withdrawal of this objection is thus respectfully requested.

CLAIM OBJECTIONS:

Claims 3, 4, 7, and 8 stand objected to because of the following informalities: the terms "first communication method" and "second communication method" should be replaced with "first communication protocol" and "second communication

protocol," respectively, every time it appears in the claims; note that the term "method" implies a means or manner of procedure and/or steps. In response, Applicant amended the claims in the manner suggested by the Office. Withdrawal of this objection is thus respectfully requested.

Claims 4 and 8 stand objected to because the dependency of the claim is incorrect. Claim 4 states "the wireless terminal according to any one of claims 1 to 3"; however, claims 1-2 were withdrawn as being drawn to a nonelected species. The same reasoning applies to claim 8. In response, Applicant limited the dependency of claims 4 and 8 to claims that have not been withdrawn. Withdrawal of this objection is thus respectfully requested.

Claims 4 and 8 stand objected to because the terms "1xEVDO" and "cdma2000 1x" are acronyms, which could mean different things and/or change in meaning overtime, hence it would be desirable to write out the actual words to which the acronym refers. In response, in claims 4 and 8, Applicant wrote out the actual words to which the acronyms refer. Withdrawal of this objection is thus respectfully requested.

Claims 7 and 8 stand objected to because the claims are directed to a method which performs wireless communication; however, the claims do not positively set forth the steps involved in the method. It is common US practice for method claims to recite active steps delimiting how the invention is practiced; e.g., a positive and active recitation of steps would be --changing--, --not setting--. In response, Applicant amended claim 7 to positively set forth the steps involved in the method. Withdrawal of this objection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 3 and 4 stand rejected under 35 U.S.C. § 102(a) as being anticipated Applicant's Admitted Prior Art (hereinafter "AAPA"). Applicant respectfully traverses this rejection. Claim 3, as amended, is as follows:

A wireless communication terminal, which performs wireless communication using each of a first communication protocol and a second communication protocol and enables to be in an idle state with both protocols, comprising:

a setting section that sets a suspend time for detecting an incoming call from a base station using the first communication protocol subsequent to completion of communication with the base station using the first communication protocol;

a first changing section that changes a monitoring timing of the second communication protocol; and

a second changing section that changes a monitoring timing of the first communication protocol by communicating with the base station when the first changing section changes the monitoring timing of the second communication protocol,

wherein the setting section does not set the suspend time after communicating with the base station by the second changing section.

Applicant respectfully submits that AAPA cannot anticipate or render claim 3 obvious, because AAPA fails to teach or suggest that "the setting section does not set the suspend time after communicating with the base station by the second changing section."

As discussed above, Figure 3C is not Prior Art. Consequently, an example of a case in which a guard time is not set is not prior. Therefore, AAPA fails to teach or suggest "the setting section does not set the suspend time."

Furthermore, the Office at p. 7, lines 6-7 of the Office Action states,

"AAPA fails to specifically disclose in a case of communicating with the base station by the second changing section."

Applicant respectfully submits that the above statement by the Office is inconsistent with the Office's rejection over AAPA.

In light of the foregoing, Applicant respectfully submits that AAPA cannot anticipate or render claim 3 obvious, because AAPA fails to teach or suggest each and every claim limitation. Claim 4 depends from claim 3 and cannot be anticipated or rendered obvious for at least the same reasons as claim 3. Withdrawal of this rejection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C § 103:

Claims 3, 4, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Turner (U.S. Patent Application Publication No. 2003/0152049). Applicant respectfully traverses this rejection.

Claims 3 and 4 are patentable over AAPA for reasons discussed above. The Office cites Turner for disclosing,

"a wireless communication terminal (Fig. 2: Abstract; note the hybrid access terminal), which performs wireless communication using each of a first communication method and a second communication method (Abstract) and enables to be in an idle state with both methods (paragraphs [0057]-[0064]), comprising: a setting section that sets a suspend time (Fig. 2, reference 214) wherein the setting section does not set the suspend time in a case of communicating with the base station by the second changing section (paragraphs [0098]-[0101]; note that while the terminal is communicating with the base station (i.e., when data packets are being exchanged) dormancy is not detected and

the dormancy timer (i.e., the suspend timer) is not set)." (Office Action, at p. 7, lines 8-17).

In response, Applicant respectfully submits that Turner fails to teach or suggest the limitation "wherein the setting section does not set the suspend time after communicating with the base station by the second changing section."

In Turner, the term "dormant" means a time in which the second network is not usable. "The dormancy timer 214" of Turner is a timer for determining whether to switch over to the first network or not.

In contrast, the "suspend time" of the present invention is a time in which the "first communication protocol" is usable. Therefore, "the dormancy time" of Turner is different from the "suspend time" of the present invention. Thus, Turner fails to teach or suggest the "setting section" of the present invention.

According to the present invention, after communicating with the base station by the second changing section, the suspend time is not set. Therefore, the present invention has an advantage that the second communication protocol quickly becomes an idle station so that the wireless communication terminal can detect an incoming call. This advantage is neither taught nor suggested by Turner.

In light of the foregoing, Applicant respectfully submits that AAPA and Turner cannot render claims 3 and 4 obvious, because the combination of AAPA and Turner fails to teach or suggest each and every claim limitation. Claims 7 and 8 require the similar limitation of "not setting a suspend time for detecting an incoming call from the base station using the first communication protocol after communicating with the base station," and are therefore, patentable over AAPA and Turner for reasons discussed above. Withdrawal of this rejection is thus respectfully requested.

Appl. No. 10/538,165
Amdt. Dated October 3, 2008
Reply to Office Action of April 8, 2008

Attorney Docket No. 81887.0124
Customer No.: 26021

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

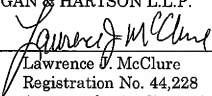
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: October 3, 2008

By:


Lawrence J. McClure
Registration No. 44,228
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601